

REMARKS

Claims 16-34 remain in the application. All of the claims are rejected under Section 103. Claims 16 and 29 are amended to distinguish over the combination of Balfanz (U.S. 2004/0107366) in view of Komine (U.S. 7,281,027). The independent claims 16 and 29 are now amended to more clearly define subject matter relating to telecommunications as previously set forth in the preambles. That is, it appears that the Examiner may have formed a prior art combination without giving any weight to the preamble. Now the claims expressly recite elements which preclude reading of the subject matter on Balfanz in view of Komine. In presenting the amendment, it is noted that certain dependent claims which are directed to features present in a telecommunications embodiment, e.g., see claims 20-22, were rejected based on the above combination in further view of Humphrey (U.S. 2002/00856401).

However, it is submitted that there is a lack of motivation in the art to so combine the references and that the rejection is only one based on hindsight. For example, at pages 7 and 8 of the Office Action the rejection cites use of non-terminated cables for xDSL frequencies and use of G.992.1 or G.992.2, but fails to associate why (if at all) these features would be relevant to the systems of Balfanz or Komine. Applicant submits they are not relevant and that the rejection of those dependent claims is a piecemeal combination.

In view of the foregoing and the above amendments the Examiner is respectfully requested to withdraw the rejections and allow the claims. If the Examiner refuses to do so it is incumbent upon the Examiner to provide a new prior art rejection which is supported with legally sufficient argument and citation.

Conclusion

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/11/05

By: John P. Musone

John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830